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*Attorneys for Plaintiffs*  
**TELECOMMUNICATIONS**  
**RESEARCH LABORATORIES d/b/a TR LABS and**  
**TR TECHNOLOGIES, INC.**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

TELECOMMUNICATIONS RESEARCH LABORATORIES d/b/a TR LABS, Canadian Not For Profit Corporation, and TR TECHNOLOGIES, INC., a Canadian Corporation,  Plaintiffs,  v.  BT AMERICAS, INC., a Delaware Corporation,  Defendants.	Civil Action No.:  JURY TRIAL DEMANDED  ELECTRONICALLY FILED
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**COMPLAINT**

The plaintiffs, Telecommunications Research Laboratories, formerly known as Alberta Telecommunications Research Centre, and doing business as TR Labs (“TR Labs”), and TR Technologies, Inc. (“TR Tech”) (collectively “plaintiffs”) allege in this matter as follows:

## **FACTUAL BACKGROUND**

### **Plaintiffs**

1. TR Labs is Canada’s largest non-profit research consortium with its membership including universities, companies, and government agencies. TR Labs has offices throughout western Canada, and its principal place of business is 9107 116<sup>th</sup> Street, Edmonton, Alberta, Canada T6G 2V4.
2. Among TR Labs’ members is the University of Alberta in Edmonton, Canada.
3. TR Tech is the exclusive licensee of the patents owned by TR Labs.

### **The TR Labs Patents**

4. TR Labs is the owner by assignment of U.S. Patent No. 6,914,880, entitled *Protection of routers in a telecommunications network* (“the ‘880 patent”), U.S. Patent No. 6,421,349, entitled *Distributed preconfiguration of spare capacity in closed paths for network restoration* (“the ‘349 patent”), U.S. Patent No. 7,260,059, entitled *Evolution of a telecommunications network from ring to mesh structure* (“the ‘059 patent”), U.S. Patent No. 6,404,734, entitled *Scalable network restoration device* (“the ‘734 patent”), U.S. Patent No. 5,850,505 entitled *Method for preconfiguring a network to withstand anticipated failures* (“the ‘505 patent”), U.S.

Patent No. 6,377,543 entitled *Path restoration of networks* (“the ‘543 patent”), and 6,654,379 (“the ‘379 patent”) entitled *Integrated ring-mesh network* (collectively “the TR Labs patents”) (attached as Exhibits A-G).

5. The ‘880 patent issued on July 5, 2005 based upon an application filed on May 19, 1999. The ‘349 patent issued on July 16, 2002 from an application filed on July 11, 1997. The ‘059 patent issued on August 21, 2007 from an application filed on June 28, 2002. The '734 patent issued on June 11, 2002 from an application filed on October 6, 1998. The ‘505 patent issued on December 15, 1998 based upon an application filed on November 1, 1995. The ‘543 patent issued on April 23, 2002 based upon an application filed on October 20, 1997. The 379 patent issued on November 25, 2003 based upon an application filed on October 7, 1999.

**Dr. Wayne Grover**

6. The first named inventor on the TR Labs patents is TR Labs’ former Chief Scientist in Network Systems Research, Dr. Wayne D. Grover.

7. In addition to his position at TR Labs, Dr. Grover was a Professor in the Department of Electrical and Computer Engineering at the University of Alberta in Edmonton, Canada.

8. Dr. Grover is a Fellow of the Institute of Electronic and Electrical Engineers (“IEEE”), a title conferred on those engineers who have demonstrated outstanding proficiency and have achieved distinction in their profession. He is also a Fellow of the Engineering Institute of Canada, a title awarded by that organization for similar scientific achievement.

9. Among his numerous awards, in 2001-2002, the Natural Science and Engineering Research Council of Canada named Dr. Grover an E.W.R Steacie Fellow, which recognizes highly promising scientists and engineers who are faculty members of Canadian universities. Dr. Grover was awarded the IEEE's 1999 W.R.G. Baker Prize Paper award for the most outstanding paper reporting original work in an IEEE publication, and that same year was named Canada's Outstanding Engineer in Canada by the IEEE.

**BT Americas Inc.**

10. Defendant BT Americas Inc. ("BT") is a Delaware corporation with a regular place of business at 333 Thornall Street, Edison, New Jersey 08837.

11. On information and belief, BT uses mesh telecommunications networks owned directly or indirectly by at least CenturyLink, Inc. ("CenturyLink") in the United States.

12. On information and belief, BT employs, or has employed, ring telecommunications networks that have been converted by CenturyLink's subsidiaries, Qwest Communications Company, LLC and/or Qwest Corp., to mesh telecommunication networks in the United States.

13. The mesh telecommunications networks employed by BT have deployed SONET add-drop multiplexers, reconfigurable optical add-drop multiplexers, multiservice optical switches, and/or multi-protocol label switching routers for the purpose of transmitting voice and data traffic.

14. The mesh telecommunications networks employed by BT utilize the functionality of the afore-referenced devices in a manner designed to restore the flow of voice and data traffic in the event of the failure of a node, circuit, or path during the normal operation of such networks.

15. The mesh telecommunications networks employed by BT are designed to, and do, interconnect with one another for the transmission of voice and data traffic both when such networks are in normal operation mode, and when there is a failure of a node, circuit, span or path in such networks

16. The mesh telecommunications networks and networks converted from ring to mesh employed by BT infringe the claims of the TR Labs patents in violation of 35 U.S.C. § 271.

#### **JURISDICTION, VENUE AND JOINDER**

17. BT, at all relevant times, has been doing business in this Judicial District.

18. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

19. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1400(b).

#### **COUNT I – PATENT INFRINGEMENT**

20. The plaintiffs incorporate by reference paragraphs 1-19, above.

21. BT directly infringes the claims of the TR Labs patents by utilizing mesh telecommunications networks that are covered by such claims in violation of 35 U.S.C. § 271.

22. The plaintiffs are harmed by BT's infringement.

### **PRAYERS FOR RELIEF**

WHEREFORE, the plaintiffs respectfully request that this Court:

- a) Find that BT infringes the TR Labs patents;
- b) Order BT to pay the plaintiffs damages equal to no less than a reasonable royalty to compensate for the infringement of the TR Labs patents pursuant to 35 U.S.C. § 284;
- c) Order BT to pay the plaintiffs prejudgment interest; and
- d) Award whatever additional relief the Court finds just and equitable.

Respectfully submitted,

Dated: November 2, 2012

s/ Kristine L. Butler  
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**JURY DEMAND**

TR Labs hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

Dated: November 2, 2012

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**RULE 11.2 CERTIFICATION**

We hereby certify that this matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

Respectfully submitted,

Dated: November 2, 2012

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